

Remarks

Claim 23 is pending in this application. Claims 1-22 are canceled. In the February 22, 2007 Office Action, the Examiner refers to claim 1 which we believe was an oversight, and the Examiner meant reference to claim 23 which was the only claim pending in the October 19, 2006 Communication. Applicants' responses below refer to pending claim 23.

Claim Rejection Under 35 USC § 112, Second Paragraph

Claim 23 is rejected under 35 USC § 112, second paragraph as being indefinite. In particular, the Examiner points out that the term "solvate" is indefinite and the term "the" appears superfluous. Claim 23 has been amended to delete these two terms.

Applicants respectfully submit that this rejection has been overcome and notice to that effect is requested.

Claim Rejection Under Double Patenting

Claim 23 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 and 16 of U.S. Patent 6,342,505 on the grounds that the conflicting claims are not patentably distinct from each other because the instant method of inhibiting apoptosis is taught therein.

This rejection is believed overcome by the terminal disclaimer submitted herewith.

There being no remaining issues, this application is believed to be in condition for allowance and notice to that effect is respectfully requested.

Respectfully submitted,



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Aventis Docket No. IVD1000 DIV 1